

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ABC MORTGAGE CORPORATION	)	
f/k/a JOHN G. MACLEOD d/b/a	)	
ABC MORTGAGE COMPANY	)	
		)
Plaintiff,	)	
		)
		)
v.	)	Civil Action No. CV2004-00558 <i>04-10816 mew</i>
		)
		)
SCOTTSDALE INSURANCE	)	
COMPANY	)	
		)
Defendant.	)	
		)

**DEFENDANT'S ASSENTED TO MOTION FOR  
A TEMPORARY STAY OF LITIGATION**

Now comes Defendant Scottsdale Insurance Company ("Scottsdale") and hereby presents this assented to motion for a stay of this litigation up to and including June 11, 2004. As reason therefore Defendant states that this action is an insurance coverage declaratory judgment action arising out of issues pertaining to the availability of insurance coverage in the matter of *Thomas Mulhern v. John G. MacLeod d/b/a ABC Mortgage Company*, now pending on appeal in the Commonwealth of Massachusetts, Supreme Judicial Court, No. SJC-09153 ("the underlying action"). The underlying action has been briefed and was argued to the Supreme Judicial Court on or about March 3, 2004. The parties anticipate that a ruling from the Supreme Judicial Court will be issued on or before June 11, 2004. The opinion of the Supreme Judicial Court may

narrow the issues in the present matter or provide a potential to resolve this matter without litigation.

As part of this assented to motion, if it should be necessary to litigate this matter, the parties have agreed that Defendant shall have 20 days from June 11, 2004 or up to and including July 2, 2004 within which to answer, move or otherwise respond to the complaint in this action.

WHEREFORE, Defendant Scottsdale respectfully requests that this assented to motion for a temporary stay up to and including June 11, 2004 be granted.

Respectfully submitted,

Assented To:

**PLAINTIFF,  
ABC MORTGAGE CORP., et al.**  
By its attorneys,

Keith L. Sachs (1ga)  
Keith L. Sachs, BBO# 634025  
William Chapman, BBO# 551261  
**MELICK, PORTER & SHEA LLP**  
29 State Street  
Boston, MA 02109  
(617) 523-6200

**DEFENDANT,  
SCOTTSDALE INSURANCE COMPANY**  
By its attorneys,

Stephen J. Abarbanel  
Stephen J. Abarbanel, BBO # 010100  
Catherine N. O'Donnell, BBO # 634719  
**ROBINSON & COLE LLP**  
One Boston Place  
Boston, MA 02108-4404  
(617) 557-5900

Dated: April 28, 2004

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I, Stephen J. Abarbanel, counsel for the Defendant, Scottsdale Insurance Company, hereby certify that on April 28, 2004, I spoke with Keith Sachs, counsel for the Plaintiff, and he assented to the granting of this motion.

Stephen J. Abarbanel  
Stephen J. Abarbanel

**CERTIFICATE OF SERVICE**

I, Stephen J. Abarbanel, hereby certify that on this 28<sup>th</sup> day of April, 2004, I served a true copy of the foregoing document via first-class mail, postage prepaid, upon the following:

William D. Chapman, Esq.  
Keith L. Sachs, Esq.  
Melick, Porter & Shea, LLP  
28 State Street  
Boston, MA 02109

  
\_\_\_\_\_  
Stephen J. Abarbanel